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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.R. No. 934 of 2007 (O&M)
Date of Decision : March 15, 2007

Giani Ram

... Petitioner

Versus

Dr. Vinay Misra

.. Respondent

CORAM : Hon`ble Mr. Justice Pritam Pal.

Present : Shri S.S.Chandi, Advocate,
for the petitioner.

PRITAM PAL , J.

This revision petition by Giani Ram, a tenant, is directed against judgment dated 5.8.2005, passed by learned Rent Controller, Nakodar, whereby, an ejectment application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as "the Act"), moved by respondent – Dr. Vinay Misra, on the ground of personal necessity i.e. for running a clinic, nursing home and for his residence, was allowed. Thereafter, the appeal filed by the petitioner against the aforesaid judgment rendered by Rent Controller, was also dismissed by the Appellate Authority, vide impugned judgment dated 16.12.2006.

The only noticeable point of argument, raised on behalf of the

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petitioner, is that in fact, the respondent-landlord has not proved on the file that he is a doctor and requires the entire demised premises for his personal use and occupation.

A perusal of the impugned judgments, rendered by the courts below, goes a long-way to show that there are concurrent findings on all the material issues and the same are not perverse or unreasonable. It has been specifically held by the learned Rent Controller that the respondent, while appearing in the witness box, has categorically testified on oath that he "is a M.B.B.S doctor and his wife is still working as Medical Officer in Delhi". His this deposition has gone entirely un-rebutted and un-challanged by the petitioner.

In this view of the matter, this Court does not find any illegality or infirmity in any of the impugned judgments of the courts below.

Hence, this revision petition is dismissed *in limine.*

[PRITAM PAL]
JUDGE

March 15, 2007.
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